

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ANTONIO SIERRA,

Petitioner,

v.

DAVID DIGUGLIELMO, et al.,

Respondents.

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CIVIL NO. 3:CV-06-0604

(Judge Caputo)

ORDER

Petitioner commenced this *pro se* action with a petition for writ of habeas corpus (Doc. 1, Att. 1) filed in the United States District Court for the Eastern District of Pennsylvania ("Eastern District Court"). Thereafter, the Eastern District Court directed Petitioner to file a revised petition, acknowledging receipt of notice in compliance with *Mason v. Meyers*, 208 F.3d 414 (3d Cir. 2000) (requiring district courts to provide notice to pro se habeas petitioners of the implications of 28 U.S.C. § 2244(b) before ruling on their petitions). Upon receipt of the revised petition (Doc. 1, Att. 5), the Eastern District Court directed transfer of the case to this Court, and the case was received in this Court on March 23, 2006.

By Order dated March 27, 2006 (Doc. 2), this Court directed service of the **initial** petition upon Respondents, and directed Respondents to show cause why the requested relief should not be granted. Subsequently, this Court realized an error in the Respondent group, and by Order dated April 3, 2006, this Court directed service of the **revised** petition on different Respondents, and ordered these Respondents to show cause within twenty days why the relief requested in the **revised** habeas petition should not be granted.

Presently pending is Petitioner's "motion to tort" (Doc. 10), in which he appears to challenge the propriety of the second show cause Order (Doc. 5). Since the second show cause order corrected the Respondent group receiving service, **IT IS HEREBY ORDERED THAT** Petitioner's motion to tort (Doc. 10) is construed as a motion to strike the Court's second show cause Order, and the motion is **DENIED**.

Dated: April 18, 2006.

/s/ A. Richard Caputo

A. RICHARD CAPUTO

United States District Judge